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मध्यप्रदेश राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 96]

भोपाल, शनिवार, दिनांक 28 फरवरी 2015—फाल्गुन 9, शक 1936

विधि और विधायी कार्य विभाग

भोपाल, दिनांक 28 फरवरी 2015

क्र. 1296-68-इक्कीस-अ (प्रा.).—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में, मध्यप्रदेश नगरपालिक विधि (संशोधन) विधेयक, 2015 (क्रमांक 2 सन् 2015) का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्वारा प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
राजेश यादव, अपर सचिव.

MADHYA PRADESH BILL
No. 2 OF 2015

THE MADHYA PRADESH NAGARPALIK VIDHI (SANSHODHAN) VIDHEYAK, 2015

A Bill further to amend the Madhya Pradesh Municipal Corporation Act, 1956 and the Madhya Pradesh Municipalities Act, 1961.

Be it enacted by the Madhya Pradesh Legislature in the sixty-sixth year of the Republic of India as follows :—

Short title.

1. This Act may be called the Madhya Pradesh Nagarpalik Vidhi (Sanshodhan) Adhiniyam, 2015.

PART I

AMENDMENT TO THE MADHYA PRADESH MUNICIPAL CORPORATION

ACT 1956 (No. 23 of 1956)

Amendment to the Madhya Pradesh Act No. 23 of 1956.

2. In the Madhya Pradesh Municipal Corporation Act, 1956 (No. 23 of 1956), (1) After Section 293, the following Section shall be inserted, namely :—

Provisions of the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973) to apply in respect of control of development and use of land.

"293-A. Save as otherwise provided in this Act, the provisions of Section 24 of the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973) and the rules made thereunder in respect of control of development and use of land shall *mutatis mutandis* apply for the purpose of control of development and use of land under this Act."

(2) In Section 294, after sub-section (4), the following new sub-section shall be inserted, namely :—

"(5) Notwithstanding anything contained in this section, the Commissioner may register and authorize as many number of Architects and Structural Engineers as he may deem fit, possessing the requisite qualification prescribed under the prevailing rules notified under the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973), to examine and grant approval under this section for erection or re-erection of the buildings on behalf of the Corporation in respect of such plots, in such manner and on such conditions as may be prescribed by the State Government."

(3) In Section 295, in sub-section (1), for the word and figure "Section 291", the words and figures "Section 291 or 293-A" shall be substituted.

(4) In Section 308-A, for the first proviso, the following proviso shall be substituted, namely :—

"Provided that in compounding the cases in respect of unauthorized construction, including the unauthorized constructions in the illegal colonies taken over under management by the competent authority for regularization, the fee shall be charged at such rate and on such conditions as may be prescribed by the State Government."

PART II

AMENDMENT TO THE MADHYA PRADESH MUNICIPALITIES ACT, 1961

(No. 37 OF 1961)

Amendment to the Madhya Pradesh Act No. 37 of 1961.

3. In the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961),—

(1) In Section 187, after sub-section (3), the following sub-section shall be inserted, namely :—

- "(3A) Notwithstanding anything contained in this section, the Council may register and authorize as many number of Architects and Structural Engineers as it may deem fit, possessing the requisite qualification prescribed under the prevailing rules notified under the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973), to examine and grant approval under this section for erection or re-erection of the building on behalf of the Council in respect of such plots, in such manner and on such conditions as may be prescribed by the State Government."
- (2) In Section 187-A, for the first proviso, the following proviso shall be substituted, namely :—

"Provided that in compounding the cases in respect of unauthorized construction, including the unauthorized constructions in the illegal colonies taken over under management by the competent authority for regularisation, the fee shall be charged at such rate and on such conditions as many be prescribed by the State Government."

- (3) After Section 187-C, the following section shall be inserted, namely :—

"187-D. Save as otherwise provided in this Act, the provisions of Section 24 of the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973) and the rules made thereunder in respect of control of development and use of land shall *mutatis mutandis* apply for the purpose of control of development and use of land under this Act."

Provisions of the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973) to apply in respect of control of development and use of land.

STATEMENT OF OBJECTS AND REASONS

In the Madhya Pradesh Municipal Corporation Act, 1956 (No. 23 of 1956) and the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961) certain amendments are proposed to be made. Salient features of the proposed amendments are as under :—

- (1) Section 24 of the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973) provides for the control of State Government on development and use of land in the State. The provision of Municipal Acts with regard to building control are given effect to by following the provisions of the said Act and rules made thereunder. Therefore, with the purpose of making enabling provision in the Municipal Acts, necessary amendments are proposed.
- (2) With a view to simplifying the grant of building permission up to certain size of plots it is proposed to authorize the private architects and structural engineers to grant such permission on behalf of the municipality. It is also proposed to prescribe the manner and conditions of such authorization by the State Government.
- (3) In order to further streamline the rates of compounding of building construction without permission or contrary to the permission granted by the competent authority, it is proposed to authorize the State Government to prescribe such rates separately.

2. Hence this Bill.

Bhopal :
Dated the 19th February 2015.

KAILASH VIJAYVARGIYA
Member-in-charge.